THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 5394 OF 2005

Dated 29th June, 2007

Between:

K.Venkata Nagendra

…Petitioner

And

The Controller of Examination, S.V.University,
Tirupathi, Chittoor District and another.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioner seeks a declaration the action of the respondents in not awarding first class in the 3-Year degree course is illegal and arbitrary.

The petitioner appeared for the final year examinations in April, 2004. But, however, at the first instance, he did not secure the qualifying marks in the subjects of Physics and Mathematics. Though instant examinations were conducted within a short span of time i.e. within 15 to 20 days of the announcement of the results, the petitioner did not appear for the said examinations on the ground that he applied for revaluation. In the revaluation, though the petitioner was declared as passed in the subject of Physics, but, however, in Mathematics he did not pass even after revaluation. As such, he did not appear in the instant examinations held in the month of June, 2004 and complete the course.

It is the grievance of the petitioner that as he was declared failed initially in two subjects and applied for revaluation, he could not appear in the instant examinations. But, however, he was declared passed in one subject after revaluation and had he been declared passed at the first instance itself, he would have become entitled to appear in the instant examinations and would have been awarded first class on his completion of the degree in the said examinations. Therefore, the petitioner ought to have been awarded First Class in the degree.

However, it is to be seen that, initially, the petitioner was declared failed in two subjects. Instant examinations were conducted only for the candidates who failed in one subject and

such examinations were also conducted immediately after regular examinations within a span of 15 to 20 days of the announcement of the result. So far as the revaluation is concerned, having regard to the number of candidates applied, the minimum required time is stated to be about 60 to 70 days. Having applied for revaluation and merely because the petitioner was declared passed in one subject after such revaluation, the respondents cannot be found fault with in not classifying the petitioner as First Class. Undisputedly, the petitioner appeared for the left over subject in the supplementary examinations and as it is stated in the counter affidavit that for award of First Class, one should pass and complete the course within the period of three years and as the petitioner did not complete the course within three years, he is not entitled for award of First Class. It is well settled that no direction can be given contrary to the academic regulations.

The writ petition is devoid of any merits and is accordingly dismissed. No costs.

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29-6-2007

R.SUBHASH REDDY, J.

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